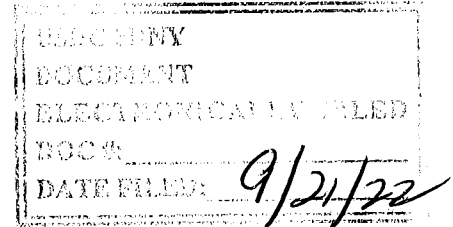


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
JEFFREY S. SEIGEL,  
Plaintiff,

v.

STRUCTURE TONE ORGANIZATION,  
PAVIRNI NE CONSTRUCTION CO., ROBERT  
YARDIS, and MICHAEL MELANOPHY,  
Defendants.  
-----X**ORDER**

19 CV 7307 (VB)

By Order of Reference dated September 30, 2021, the Court referred this case to Magistrate Judge Paul E. Davison for General Pre-Trial, including “scheduling, discovery, non-dispositive pre-trial motions, and settlement.” (Doc. #123).

On April 8, 2022, the parties filed their papers in support of and in opposition to defendants’ summary judgment motion. (Doc. #152). The summary judgment motion is fully submitted and pending before Judge Briccetti.

On September 16, 2022, plaintiff moved for leave to amend his first amended complaint. (Doc. #167). By letter dated September 19, 2022, addressed to Judge Davison, defense counsel requested “guidance from the Court” as to whether plaintiff’s motion would be entertained, and if so, requested an extension of time until October 7, 2022, to respond to the motion. (Doc. #170). On the same day, plaintiff responded that defense counsel’s letter was “mistakenly” addressed to Judge Davison because the magistrate judge “was assigned to assist in discovery,” and discovery ended on October 19, 2021. (Doc. #171).

As an initial matter, defense counsel’s letter was not mistakenly addressed to Judge Davison. This is because plaintiff’s motion to amend is a “non-dispositive pre-trial motion” that falls within the scope of the Order of Reference to Judge Davison.

Nevertheless, in light of the posture of the case, the Court concludes—and Judge Davison agrees—that it would serve the interest of judicial economy for Judge Briccetti to consider the motion to amend along with defendants’ summary judgment motion.

Accordingly, it is hereby ORDERED:

1. The Order of Reference to Magistrate Judge Paul E. Davison (Doc. #123) is WITHDRAWN. Judge Briccetti will resolve plaintiff’s motion to amend along with defendants’ motion for summary judgment in due course.

2. Defense counsel's request for an extension of time to respond to the motion to amend is GRANTED. By October 7, 2022, defendants shall file their opposition to the motion to amend. By October 14, 2022, plaintiff shall file his reply, if any. No extensions of these deadlines will be granted.

Dated: September 21, 2022  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge